REMARKS

Claims 1 – 28 are pending in the application. Claim 7 has been amended. Claims 1-28 presently stand rejected.

Interview Summary

The undersigned wishes to thank Examiner Kendall for taking the time to conduct a telephonic interview on July 10, 2007. During the interview, the undersigned presented the arguments set forth below concerning the Section 102(e) rejection. The meaning of the term "environment" was discussed, and the applicants have pointed out below where in the specification the meaning of the term is defined. No agreement was reached, although the Examiner indicated that he would further consider this written response.

Regarding the Rejections under 35 U.S.C. §102

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Cebula et al. (US 2004/0153830). These rejections are respectfully traversed.

Per MPEP 2131, to establish anticipation of a claimed invention, the reference must teach every element of the claims. Therefore, to establish anticipation over Applicant's claims the Cebula et al. reference must teach every element of each claim presented.

Regarding claims 1, 9, and 15, these claims recite, in part, a system, method, and computer-readable medium comprising computer-readable instructions for "a Test Document that describes at least one Test that can be executed in at least two testing environments" where a "testing environment" is defined within the specification in Paragraph [0005] to refer to "multiple environments such as, for example, to test HTTP calls as well as relational database statements in SQL". The multi-environment test automation (META) drivers "will provide a flexible, extensible framework for test components so that a single driver can span multiple test environments", again, as defined in Paragraph [0005] of the specification. Claims 1, 9, and 15 clearly recite a test operating concurrently in different, diverse testing environments, each with its own menu of different procedural steps that are relevant to operations that have meaning for that specific environment. As an example, as shown above, one environment might consist of HTTP calls which operate in a Web environment, where a second environment might consist of SQL statements traversing a database in a file system

that is not a Web environment. The Office Action asserts that the Cebula et al reference discloses this claim limitation in paragraph [0045]. However, the cited paragraph simply recites the process for setting up and running a test in a single environment and displaying the results. The reference is completely silent on the recited feature of running a test concurrently within at least two environments as disclosed in claims 1, 9, and 15. The Cebula et al reference thus does not teach at least this element of claims 1, 9, and 15. Accordingly, reconsideration and allowance are respectfully requested.

Regarding claim 7, this claim recites, in part, "an Executor subsystem that executes at least one Step and generates at least one execution Result in at least one of a plurality of testing environments". The Office Action asserts that the Cebula et al reference discloses this claim element in paragraph [0091]. However, that is not the case. Paragraph [0091] of the Cebula et al reference is silent regarding a system for executing Tests that "generates at least one Execution Result in at least one of a plurality of testing environments" as recited in claim 7. Therefore, the Cebula et al reference does not anticipate the claim elements as recited. Accordingly, reconsideration and allowance are respectfully requested.

Regarding the Rejections under 35 U.S.C. §103

Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cebula et al (US 2004/0153830) in view of Melamed et al (US 2004/0107415). The Cebula et al reference relates to a software test system that compiles elements for a test in a single environment, runs the test and reports results to a user. The cited published application, US 2004/0107415 (Melamed et al), is a Web-interactive software testing management method and computer system including an integrated test case authoring tool.

The Melamed et al reference does not remedy the shortcomings of the Cebula et al reference as recited above and, thus, the combination of Cebula et al and Melamed et al fails to provide the teachings needed to establish that claims 3 and 17 are obvious. These claims are allowable for at least the reasons given above. Accordingly, reconsideration and allowance are respectfully requested.

CONCLUSION

For the forgoing reasons, Applicants respectfully submit that the instant application is in condition for allowance. Reconsideration and early allowance is hereby respectfully requested.

Respectfully submitted,

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